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SENATE JOINT RESOLUTION

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WHEREAS, The United States Supreme Court in *Olmstead v. L.C. Ex Rel. Zimring*, 119 S. Ct. 2176 (1999), held that the unjustifiable institutionalization of a person with a disability who could live in the community with appropriate supports and services, and wishes to do so, is unlawful discrimination in violation of the Americans with Disabilities Act (ADA); and

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WHEREAS, Almost 10 years after the *Olmstead* decision, a report titled "The State of the States in Disabilities 2008" by the Department of Psychiatry and Coleman Institute for Cognitive Disabilities of the University of Colorado ranks the State of Illinois 40th nationally in fiscal effort for services for individuals with developmental disabilities, including all home based programs, group home, and congregate care; 43rd in State fiscal effort for community services; 47th in home and community-based waiver spending per capita; and 51st in serving persons with developmental disabilities in environments of 6 or less; and

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WHEREAS, The State has not adequately invested funding for home and community-based services for individuals with developmental disabilities, and has cut funding for those services in the past 3 State fiscal year budgets; and

1 WHEREAS, Funding for home and community-based services
2 does not currently meet the cost of providing those services
3 and supports due to inflationary pressures, increased
4 personnel costs, mandated increases in minimum wage, rising
5 health insurance costs, and the increased cost of doing
6 business with vendors; and

7 WHEREAS, "Person-centered" means that services and
8 supports are identified and authorized to address the specific
9 needs of each person as a result of an individualized
10 assessment and through a person-centered planning process; and

11 WHEREAS, Illinois has a disproportionate number of
12 Illinois citizens with developmental disabilities who are
13 served in State-operated developmental centers (SODCs); and

14 WHEREAS, Illinois lags substantially behind nearly all
15 other states in fostering the provision of services in the most
16 integrated setting; the Illinois utilization rate for SODC
17 services in 2009 was 18.0 individuals per 100,000 persons in
18 the general population; the nationwide utilization rate in 2009
19 was 11.1 individuals per 100,000 in the general population; and

20 WHEREAS, The majority of other states have significantly
21 reduced their utilization of large state-operated facilities;

1 in order for Illinois to achieve parity with the national
2 average by 2017, Illinois would need to serve an average of
3 8.9% fewer individuals in SODCs annually; and

4 WHEREAS, As long as the State continues to perpetuate short
5 term measures to address crises in the system, in the long
6 term, Illinois will perpetuate its inability to serve the
7 growing number of individuals with developmental disabilities
8 who are not currently receiving services; and

9 WHEREAS, If such underfunding is allowed to continue, the
10 community-based system will continue to be fragmented and will
11 be unable to respond to the intention of Olmstead and the
12 preservation of choice for individuals with developmental
13 disabilities on the services they may receive and where they
14 choose to receive them; and

15 WHEREAS, The Illinois Department of Human Services'
16 Division of Developmental Disabilities (Division) developed
17 and released its Strategic Plan for Fiscal Years 2011-2017 in
18 July 2010 which aims to substantively reorient Division
19 priorities and resources to support a truly person-centered
20 system of services for which there is a popular mandate;
21 therefore, be it

22 RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL

1 ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES
2 CONCURRING HEREIN, that in alignment with the Division's 7-year
3 Strategic Plan, all children and adults with developmental
4 disabilities living in Illinois will receive high quality
5 services guided by a person-centered plan that maximizes
6 individual choice and flexibility in the most integrated
7 setting possible regardless of intensity or severity of need;
8 and be it further

9 RESOLVED, That Illinois will implement at least one new,
10 outcome-based model for service delivery that improves the
11 coordination and integration of habilitation, social, and
12 clinical care for people with developmental disabilities; and
13 be it further

14 RESOLVED, That the number of individuals living in the most
15 integrated settings will achieve parity with the national
16 utilization rates so that more individuals will live in
17 settings of 6 or less; fewer individuals will live in private
18 intermediate care facilities for individuals with
19 developmental disabilities; and fewer individuals will live in
20 SODCs; and be it further

21 RESOLVED, That more individuals with developmental
22 disabilities will receive integrated employment services to
23 achieve parity with the national utilization rates; and be it

1 further

2 RESOLVED, That the number of people receiving
3 Medicaid-funded Home and Community Based Services (HCBS) will
4 achieve parity with national utilization rates; and be it
5 further

6 RESOLVED, That the disparity between wages paid to State of
7 Illinois employees and community-based direct service
8 professionals will be reduced; and be it further

9 RESOLVED, That the Division will develop a comprehensive,
10 integrated data management system that captures, aggregates,
11 and analyzes data from various sources, allowing timely
12 analysis of service processes and outcomes; and be it further

13 RESOLVED, That persons with developmental disabilities are
14 linked to the services that best meet their needs and to
15 promote that linkage there must be an effective service
16 coordination system that is available to all regardless of
17 geographic or network boundaries and available to support
18 individuals and families as they choose; and be it further

19 RESOLVED, That Illinois will adopt a budgeting strategy
20 between all human service departments that allows truly
21 effective utilization of resources to meet the needs of

1 individuals regardless of their age, place of residence, or
2 behavioral or health needs and provides for crisis prevention
3 and intervention supports that keep people successfully living
4 in the community; and be it further

5 RESOLVED, That persons with developmental disabilities
6 will be actively involved in policy discussions and will be
7 respected as partners in the process, making informed choices
8 and decisions in order to support productive and fulfilling
9 lives; and be it further

10 RESOLVED, That families and guardians will be listened to
11 and respected, and the State of Illinois will strive to earn
12 and keep their trust along with the trust of the public; and be
13 it further

14 RESOLVED, That the State of Illinois recognizes that home
15 and community providers are a vital part of healthy communities
16 and are counted on by individuals and families and the State to
17 support their goals and therefore should be listened to and
18 respected; and be it further

19 RESOLVED, That the allocation of resources to support
20 people with developmental disabilities will accurately reflect
21 service demand and be a priority at all levels of government
22 and for the citizens of Illinois and that funding for

1 developmental disabilities services will be realigned to
2 reflect the strategic priorities and benchmarks identified in
3 the Division's 7-year Strategic Plan; and be it further

4 RESOLVED, That future budgets shall take into
5 consideration the steps necessary to achieve the plans laid out
6 in this joint resolution; and be it further

7 RESOLVED, That copies of this Resolution be sent to the
8 Governor, the Secretary of the Department of Human Services,
9 the Director of the Governor's Office of Management and Budget,
10 and all members of the General Assembly.